
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Communication Leasing, Inc.)	File No.: EB-FIELDWR-13-00012181
Owner of Antenna Structure No. 1064345)	
)	NOV No.: V201432800008
Garrett, WY)	

NOTICE OF VIOLATION

Released: December 17, 2013

By the District Director, Denver District Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Communication Leasing, Inc. (CLI), registrant of Antenna Structure # 1064345, approximately 6.5 miles ENE of Garrett, WY. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. The Enforcement Bureau's Denver District Office received a complaint that an antenna structure, identified as Antenna Structure # 1064345, was observed with no obstruction lighting illuminated after sunset. On November 13, 2013, nighttime observations were made of Antenna Structure # 1064345, by a law enforcement official and the following violations were observed:

- a. 47 C.F.R. § 17.21: "Antenna structures shall be painted and lighted when:
(a) They exceed 60.96 meters (200 feet) in height above the ground or they require special aeronautical study." Antenna Structure # 1064345 is registered as 71 meters in height above ground. At the time of the observation, none of the installed lights were working, and the tower was unlit.
- b. 47 C.F.R. § 17.48(a): "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: (a) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date for restoration of service, the FCC Antenna Structure Registration Number, the height of the structure (AGL and AMSL if known) and the name, title, address, and telephone number of the person making the report. Further notification by telephone or telegraph shall be given immediately upon resumption of normal operation of the light or lights.” On November 12, 2013, the FCC Denver Office requested that a NOTAM be issued for the structure. There was no evidence that the antenna structure owner had reported any extinguishment to a Flight Service Center Station or to the Federal Aviation Administration.

- c. 47 C.F.R. § 17.51(a): “All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified.” At the time of the observation, the tower was unlit, exhibiting no obstruction lighting.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, CLI must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct CLI to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of CLI with personal knowledge of the representations provided in CLI’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Denver District Office
P.O. Box 25446
Lakewood, CO 80225

6. This Notice shall be sent to Communication Leasing, Inc., at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Nikki P. Shears
District Director
Denver District Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).